

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**IN RE
VITAMIN C ANTITRUST LITIGATION**

This Document Relates To:

*Animal Science Products, Inc., et al. v.
Hebei Welcome Pharmaceutical Co., Ltd., et
al.*, Case No. 1:05-CV-00453(BMC)(JO)
(E.D.N.Y.)

**MASTER FILE 1:06-MDL-1738
(BMC)(JO)**

**DEFENDANTS' NOTICE OF
MOTION AND RENEWED MOTION
FOR JUDGMENT AS A MATTER OF
LAW UNDER FED. R. CIV. P. 50(B)
AND FED. R. CIV. P. 59(E)**

TO PLAINTIFFS AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that upon the accompanying memoranda of law, defendants Hebei Welcome Pharmaceutical Co., Ltd. and North China Pharmaceutical Group Corp. hereby move this Court before the Honorable Brian M. Cogan, United States District Judge, in Courtroom 8D South at the U.S. Courthouse, 225 Cadman Plaza East, Brooklyn, NY 11201 (a) for judgment as a matter of law under Fed. R. Civ. P. 50(b) and 59(e) to exclude from the jury verdict's [D.E. 675] calculation of damages any purchases from two non-defendants alleged to be co-conspirators, Shandong Zibo Hualong Company, Ltd. ("Hualong") and Anhui Tiger Biotech Company ("Tiger"), reducing the damage award by \$7.5 million before trebling (\$22.5 million after trebling), or in the alternative, (b) to alter or amend the judgment by remittitur, on the ground that plaintiffs have put forth no evidence showing that these purchases were not made pursuant to a contract containing an arbitration clause.

Dated: April 11, 2013

Respectfully submitted,

/s/ Darrell Prescott

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